



State of Wisconsin
2023 - 2024 LEGISLATURE

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**ASSEMBLY SUBSTITUTE AMENDMENT 2,
TO ASSEMBLY BILL 966**

January 31, 2024 - Offered by Representative TUSLER.

1 **AN ACT** *to amend* 19.36 (11) and 19.55 (1); and *to create* 8.10 (7), 19.36 (14),
2 19.55 (2) (cm), 59.43 (1r) and 757.07 of the statutes; **relating to:** privacy
3 protections for judicial officers, granting rule-making authority, and providing
4 a penalty.

Analysis by the Legislative Reference Bureau

This bill establishes privacy protections for judicial officers and a procedure for a judicial officer to complete a written request for protection of the personal information of the judicial officer and the judicial officer's immediate family.

Under the bill, a government agency may not publicly post or display publicly available content that includes a judicial officer's personal information, provided that the government agency has received a written request from the officer that the agency refrain from disclosing the personal information. Upon receipt of the written request, the agency must remove the personal information within 10 business days and may not publicly post or display the information. The personal information is also exempt from public records requests unless the agency has received consent to make the information available to the public.

The bill also provides that, upon receipt of a written request for privacy protections from a judicial officer, all persons, businesses, and associations must refrain from publicly posting or displaying on the Internet publicly available content

that includes the personal information of the judicial officer or the judicial officer's immediate family. The prohibition does not apply to personal information that the judicial officer or an immediate family member of the judicial officer voluntarily publishes on the Internet after the bill goes into effect or personal information lawfully received from a state or federal government source, including from an employee or agent of the state or federal government.

After a person, business, or association has received a written request from a judicial officer, the person, business, or association must, within 10 days of the request, remove the personal information from the Internet; ensure that the judicial officer's personal information is not made available on any website or subsidiary website controlled by that person, business, or association; and identify any other instances of the identified information that should also be removed. Under the bill, once a written request is received, no person, business, or association may transfer the judicial officer's personal information to any other person, business, or association through any medium, except for personal information that the judicial officer or an immediate family member of the judicial officer voluntarily publishes on the Internet after the bill goes into effect, or if a transfer is made at the request of the judicial officer or is necessary to effectuate a request to the person, business, or association from the judicial officer. The bill also expressly prohibits a data broker, as defined in the bill, from knowingly selling, licensing, trading, purchasing, or otherwise making available for consideration the personal information of a judicial officer or a judicial officer's immediate family.

The bill requires the register of deeds to establish a process for judicial officers and immediate family members of judicial officers to opt out from the display and search functions of their names on public-facing land records websites. The bill also requires the register of deeds to shield from disclosure certain documents covered by a judicial officer's written request for protection of personal information, if the documents to be protected are specifically identified by the judicial officer.

Under the bill, a candidate for a judicial office may, instead of having his or her name and residential address listed on nomination papers, file a certification of residence with the Elections Commission before circulating nomination papers. A judicial officer circulating nomination papers on behalf of a candidate for a nonpartisan office, or signing nomination papers supporting a candidate for a nonpartisan office, may similarly file a certification of residence with the Elections Commission before circulating or signing nomination papers. The bill requires the commission, by rule, to verify the address provided in the certification of residence. Under current law, generally, a candidate for a state or local elective office must file nomination papers with the commission or, for a local office, with the appropriate municipal clerk. The top of each nomination paper must list the candidate's full name, including any nickname or former surname, and his or her residential street address. Under current law, a person circulating nomination papers on behalf of a

candidate for a judicial office must also provide a certification at the bottom of each nomination paper stating his or her residential street address.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 8.10 (7) of the statutes is created to read:

2 8.10 (7) (a) Notwithstanding sub. (2) (b) and (c) and s. 8.21 (4) (b), a candidate
3 for filling the office of a judicial officer, as defined in s. 757.07 (1) (e), who files a
4 certification of residence with the commission before circulating nomination papers
5 is not required to indicate his or her residential address on the nomination papers,
6 including nomination papers circulated on behalf of the judicial officer, or on the
7 declaration of candidacy. Notwithstanding sub. (3) (intro.), a judicial officer, as
8 defined in s. 757.07 (1) (e), who intends to circulate nomination papers on behalf of
9 a candidate for filling a nonpartisan office, or who intends to sign nomination papers
10 to support such a candidate, is not required to indicate his or her residential address
11 on the certification of a qualified circulator appended to the nomination papers or on
12 the nomination papers as a signatory. The commission shall promulgate rules for the
13 administration of this subsection and prescribe a certification of residence for a
14 candidate or circulating judicial officer for use under this subsection.

15 (b) Certifications of residence submitted to the commission under par. (a) shall
16 be kept confidential until the candidate or judicial officer files a declaration of
17 noncandidacy, except that the commission shall provide such certifications to the
18 appropriate filing officer for the office the candidate or judicial officer seeks. Filing
19 officers shall also keep confidential the certifications received by the commission.

20 **SECTION 2.** 19.36 (11) of the statutes is amended to read:

1 **19.36 (11) RECORDS OF AN INDIVIDUAL HOLDING A LOCAL PUBLIC OFFICE OR A STATE**
2 PUBLIC OFFICE. Unless access is specifically authorized or required by statute, an
3 authority shall not provide access under s. 19.35 (1) to records, except to an
4 individual to the extent required under s. 103.13, containing information
5 maintained, prepared, or provided by an employer concerning the home address,
6 home electronic mail address, home telephone number, or social security number of
7 an individual who holds a local public office or a state public office, unless the
8 individual authorizes the authority to provide access to such information. This
9 Except as provided in sub. (14), this subsection does not apply to the home address
10 of an individual who holds an elective public office or to the home address of an
11 individual who, as a condition of employment, is required to reside in a specified
12 location.

13 **SECTION 3.** 19.36 (14) of the statutes is created to read:

14 **19.36 (14) PRIVACY PROTECTIONS FOR JUDICIAL OFFICERS.** An authority shall not
15 provide access under s. 19.35 (1) to a certification of residence under s. 8.10 (7) or to
16 the personal information, as defined in s. 757.07 (1) (g), of a judicial officer, as defined
17 in s. 757.07 (1) (e), except as provided under s. 8.10 (7) (b).

18 **SECTION 4.** 19.55 (1) of the statutes is amended to read:

19 **19.55 (1)** Except as provided in s. 19.36 (14) and subs. (2) to (4), all records
20 under ch. 11, this subchapter, or subch. III of ch. 13 in the possession of the
21 commission are open to public inspection at all reasonable times. The commission
22 shall require an individual wishing to examine a statement of economic interests or
23 the list of persons who inspect any statements which are in the commission's
24 possession to provide his or her full name and address, and if the individual is
25 representing another person, the full name and address of the person which he or she

1 represents. Such identification may be provided in writing or in person. The
2 commission shall record and retain for at least 3 years information obtained by it
3 pursuant to this subsection. No individual may use a fictitious name or address or
4 fail to identify a principal in making any request for inspection.

5 **SECTION 5.** 19.55 (2) (cm) of the statutes is created to read:

6 19.55 (2) (cm) The personal information, as defined in s. 757.07 (1) (g), of a
7 judicial officer, as defined in s. 757.07 (1) (e), contained in statements of economic
8 interests, reports of economic transactions, and campaign finance reports that are
9 filed with the commission by judicial officers or the candidate committees of judicial
10 officers. The commission shall quarterly review the electronic campaign finance
11 information system for the personal information of judicial officers and remove such
12 information from the system. In addition, before providing, upon a request, a
13 statement of economic interests of a judicial officer, the commission shall remove the
14 personal information of the judicial officer.

15 **SECTION 6.** 59.43 (1r) of the statutes is created to read:

16 59.43 (1r) PERSONAL INFORMATION OF JUDICIAL OFFICERS. (a) The register of
17 deeds shall shield from disclosure and keep confidential documents containing
18 information covered by a written request of a judicial officer under s. 757.07, if the
19 judicial officer specifically identifies the document number of any document to be
20 shielded under this subsection. This paragraph applies only to electronic images of
21 documents specifically identified by a judicial officer as covered by a written request
22 under s. 757.07. The register of deeds may allow access to a document subject to
23 protection under this paragraph only if the judicial officer consents to the access or
24 access is otherwise permitted as provided under s. 757.07 (4) (e).

1 (b) The register of deeds shall establish a process for judicial officers and
2 immediate family members of judicial officers to opt out from the display and search
3 functions of their names on public-facing land records websites.

4 **SECTION 7.** 757.07 of the statutes is created to read:

5 **757.07 Privacy protections for judicial officers. (1) DEFINITIONS.** In this
6 section:

7 (a) “Data broker” means a commercial entity that collects, assembles, or
8 maintains personal information concerning an individual who is not a customer or
9 an employee of that entity in order to sell the information or provide 3rd-party access
10 to the information. “Data broker” does not include any of the following:

11 1. A commercial entity using personal information internally, providing access
12 to businesses under common ownership or affiliated by corporate control, or selling
13 or providing data for a transaction or service requested by or concerning the
14 individual whose personal information is being transferred.

15 2. A commercial entity providing publicly available information through
16 real-time or near real-time alert services for health or safety purposes.

17 3. A commercial entity using information that is lawfully made available
18 through federal, state, or local government records, or information that a business
19 has a reasonable basis to believe is lawfully made available to the general public
20 through widely distributed media, by the consumer, or by a person to whom the
21 consumer has disclosed the information, unless the consumer has restricted the
22 information to a specific audience.

23 4. A commercial entity engaged in the collection, maintenance, disclosure, sale,
24 communication, or use of any personal information bearing on a consumer’s credit
25 worthiness, credit standing, credit capacity, character, general reputation, personal

1 characteristics, or mode of living by a consumer reporting agency, furnisher, or user
2 that provides information for use in a consumer report, and by a user of a consumer
3 report, but only to the extent that such activity is regulated by and authorized under
4 the federal Fair Credit Reporting Act, 15 USC 1681, et seq.

5 5. A consumer reporting agency subject to the federal Fair Credit Reporting
6 Act, 15 USC 1681, et seq.

7 6. A commercial entity using personal information collected, processed, sold,
8 or disclosed in compliance with the federal Driver's Privacy Protection Act of 1994,
9 18 USC 2721, et seq.

10 7. A commercial entity using personal information to do any of the following:

11 a. Prevent, detect, protect against, or respond to security incidents, identity
12 theft, fraud, harassment, malicious or deceptive activities, or any illegal activity.

13 b. Preserve the integrity or security of systems.

14 c. Investigate, report, or prosecute any person responsible for an action
15 described under subd. 7. a. or b.

16 8. A financial institution, affiliate of a financial institution, or data subject to
17 title V of the federal Gramm-Leach-Bliley Act, 15 USC 6801, et seq.

18 9. A covered entity for purposes of the federal privacy regulations promulgated
19 under the federal Health Insurance Portability and Accountability Act of 1996,
20 specifically 42 USC 1320d-2 note.

21 10. A commercial entity engaging in the collection and sale or licensing of
22 personal information incidental to conducting the activities described in subds. 1. to
23 9.

24 11. Insurance and insurance support organizations.

1 12. Law enforcement agencies or law enforcement support organizations and
2 vendors.

3 (b) “Government agency” includes any association, authority, board,
4 department, commission, independent agency, institution, office, society, or other
5 body corporate and politic in state or local government created or authorized to be
6 created by the constitution or any law.

7 (c) “Home address” includes a judicial officer’s permanent residence and any
8 secondary residences affirmatively identified by the judicial officer. “Home address”
9 does not include a judicial officer’s work address.

10 (d) “Immediate family” includes any of the following:

11 1. A judicial officer’s spouse.

12 2. A minor child of the judicial officer or of the judicial officer’s spouse, including
13 a foster child, or an adult child of the judicial officer or of the judicial officer’s spouse
14 whose permanent residence is with the judicial officer.

15 3. A parent of the judicial officer or the judicial officer’s spouse.

16 4. Any other person who resides at the judicial officer’s residence.

17 (e) “Judicial officer” means a person who currently is or who formerly was a
18 supreme court justice, court of appeals judge, circuit court judge, municipal judge,
19 tribal judge, temporary or permanent reserve judge, or circuit, supplemental, or
20 municipal court commissioner.

21 (f) “Permanent residence” means the place where a person’s habitation is fixed,
22 without any present intent to move, and to which, when absent, the person intends
23 to return.

1 (g) “Personal information” means any of the following with regard to a judicial
2 officer or any immediate family member of a judicial officer, but does not include
3 information regarding employment with a government agency:

4 1. A home address.

5 2. A home or personal mobile telephone number.

6 3. A personal email address.

7 4. A social security number, driver’s license number, federal tax identification
8 number, or state tax identification number.

9 5. Except as required under ch. 11, a bank account or credit or debit card
10 information.

11 6. A license plate number or other unique identifiers of a vehicle owned, leased,
12 or regularly used by a judicial officer or an immediate family member of a judicial
13 officer.

14 7. The identification of children under the age of 18 of a judicial officer or an
15 immediate family member of a judicial officer.

16 8. The full date of birth.

17 9. Marital status.

18 (h) “Publicly available content” means any written, printed, or electronic
19 document or record that provides information or that serves as a document or record
20 maintained, controlled, or in the possession of a government agency that may be
21 obtained by any person or entity, from the Internet, from the government agency
22 upon request either free of charge or for a fee, or in response to a public records
23 request under ch. 19.

24 (i) “Publicly post or display” means to intentionally communicate or otherwise
25 make available to the general public.

1 (j) “Transfer” means to sell, license, trade, or exchange for consideration the
2 personal information of a judicial officer or a judicial officer’s immediate family
3 member.

4 (k) “Written request” means written notice signed by a judicial officer or a
5 representative of the judicial officer’s employer requesting a government agency,
6 business, association, or other person to refrain from publicly posting or displaying
7 publicly available content that includes the personal information of the judicial
8 officer or judicial officer’s immediate family.

9 **(2) PUBLICLY POSTING OR DISPLAYING A JUDICIAL OFFICER’S PERSONAL INFORMATION**
10 **BY A GOVERNMENT AGENCY.** (a) A government agency may not publicly post or display
11 publicly available content that includes a judicial officer’s personal information,
12 provided that the government agency has received a written request in accordance
13 with sub. (4) that it refrain from disclosing the judicial officer’s personal information.
14 After a government agency has received a written request, that agency shall remove
15 the judicial officer’s personal information from publicly available content within 10
16 business days. After the government agency has removed the judicial officer’s
17 personal information from publicly available content, the agency may not publicly
18 post or display the information, and the judicial officer’s personal information shall
19 be exempt from inspection and copying under s. 19.35 unless the government agency
20 has received consent as provided under sub. (4) (e) to make the personal information
21 available to the public.

22 (b) Nothing in this subsection prohibits a government agency from providing
23 access to records containing the personal information of a judicial officer to a 3rd
24 party if the 3rd party meets any of the following criteria:

- 25 1. Possesses a signed consent document, as provided under sub. (4) (e).

1 2. Is subject to the requirements of 15 USC 6801, et seq.

2 3. Executes a confidentiality agreement with the government agency.

3 **(3) DATA BROKERS AND OTHER PERSONS AND BUSINESSES.** (a) No data broker may
4 knowingly sell, license, trade, purchase, or otherwise make available for
5 consideration the personal information of a judicial officer or a judicial officer's
6 immediate family.

7 (b) 1. No person, business, or association may publicly post or display on the
8 Internet publicly available content that includes the personal information of a
9 judicial officer or the judicial officer's immediate family, provided that the judicial
10 officer has made a written request to the person, business, or association that it
11 refrain from disclosing or acquiring the personal information.

12 2. Subdivision 1. does not apply to any of the following:

13 a. Personal information that the judicial officer or an immediate family
14 member of the judicial officer voluntarily publishes on the Internet after the effective
15 date of this subd. 2. a. [LRB inserts date].

16 b. Personal information lawfully received from a state or federal government
17 source, including from an employee or agent of the state or federal government.

18 (c) 1. After a person, business, or association has received a written request
19 from a judicial officer to protect the privacy of the personal information of the judicial
20 officer and the judicial officer's immediate family, the person, business, or
21 association shall remove from the Internet, within 10 days, the personal information
22 identified in the request; ensure that the information is not made available on any
23 website or subsidiary website controlled by that person, business, or association; and
24 identify any other instances of the identified information that should also be
25 removed.

1 2. After receiving a judicial officer's written request, no person, business, or
2 association may transfer the judicial officer's personal information to any other
3 person, business, or association through any medium, except as follows:

4 a. The person, business, or association may transfer personal information that
5 the judicial officer or an immediate family member of the judicial officer voluntarily
6 publishes on the Internet after the effective date of this subd. 2. a. [LRB inserts
7 date].

8 b. The person, business, or association may transfer the judicial officer's
9 personal information at the request of the judicial officer if the transfer is necessary
10 to effectuate a request to the person, business, or association from the judicial officer.

11 **(4) PROCEDURE FOR COMPLETING A WRITTEN REQUEST FOR PROTECTION OF PERSONAL**
12 **INFORMATION.** (a) No government agency, person, business, or association may be
13 found to have violated any provision of this section if the judicial officer fails to
14 submit a written request calling for the protection of the personal information of the
15 judicial officer or the judicial officer's immediate family.

16 (b) 1. A written request under this subsection is valid if the request meets the
17 requirements of par. (d) and if the judicial officer does any of the following:

18 a. Sends the written request directly to a government agency, person, business,
19 or association.

20 b. If the director of state courts has a policy and procedure for a judicial officer
21 to file the written request with the director of state court's office to notify government
22 agencies, the judicial officer sends the written request to the director of state courts.

23 2. In each quarter of a calendar year, the director of state courts shall provide
24 to the appropriate officer with ultimate supervisory authority for a government
25 agency a list of all judicial officers who have submitted a written request under subd.

1 1. b. The officer shall promptly provide a copy of the list to the government agencies
2 under his or her supervision. Receipt of the written request list compiled by the
3 director of state courts office by a government agency shall constitute a written
4 request to that agency for purposes of this subsection.

5 (c) A representative from the judicial officer's employer may submit a written
6 request on the judicial officer's behalf, provided that the judicial officer has given
7 written consent to the representative and provided that the representative agrees
8 to furnish a copy of that consent when the written request is made. The
9 representative shall submit the written request as provided under par. (b).

10 (d) A judicial officer's written request shall be made on a form prescribed by the
11 director of state courts and shall specify what personal information shall be
12 maintained as private. If a judicial officer wishes to identify a secondary residence
13 as a home address, the designation shall be made in the written request. A judicial
14 officer's written request shall disclose the identity of the officer's immediate family
15 and indicate that the personal information of these family members shall also be
16 excluded to the extent that it could reasonably be expected to reveal personal
17 information of the judicial officer. Any person receiving a written request form
18 submitted by or on behalf of a judicial officer under this paragraph shall treat the
19 submission as confidential.

20 (e) 1. A judicial officer's written request is valid for 10 years or until the judicial
21 officer's death, whichever occurs first.

22 2. Notwithstanding a judicial officer's written request, a government agency,
23 person, business, or association may release personal information otherwise subject
24 to the written request under any of the following circumstances:

25 a. As required in response to a court order.

1 b. If a judicial officer or immediate family member of the judicial officer
2 consents to the release of his or her own personal information as provided under
3 subd. 3.

4 c. If the judicial officer provides the government agency, person, business, or
5 association with consent to release the personal information as provided under subd.
6 3.

7 3. A judicial officer or immediate family member of the judicial officer may
8 consent to release personal information otherwise protected by a judicial officer's
9 written request if the consent is made in writing on a form prescribed by the director
10 of state courts. An immediate family member of the judicial officer may only consent
11 to the release of his or her own personal information.

12 **(5)** (a) A judicial officer whose personal information is made public as a result
13 of a violation of this section may bring an action seeking injunctive or declaratory
14 relief in any court of competent jurisdiction. Notwithstanding s. 814.04, if the court
15 grants injunctive or declaratory relief, the governmental agency, business,
16 association, data broker, or other person responsible for the violation shall be
17 required to pay the judicial officer's costs and reasonable attorney fees.

18 (b) Provided that an employee of a government agency has complied with the
19 conditions set forth in sub. (2), it is not a violation of this section if an employee of
20 a government agency publishes personal information, in good faith, on the website
21 of the government agency in the ordinary course of carrying out public functions.

22 (c) It is unlawful for any person to knowingly publicly post or display on the
23 Internet the personal information of a judicial officer or of the judicial officer's
24 immediate family if the person intends the public posting or display of the personal
25 information to create or increase a threat to the health and safety of the judicial

1 officer or the judicial officer's immediate family and, under the circumstances, bodily
2 injury or death of the judicial officer or a member of the judicial officer's immediate
3 family is a natural and probable consequence of the posting or display. A person who
4 violates this paragraph is guilty of a Class G felony.

5 (6) This section shall be construed broadly to favor the protection of the
6 personal information of judicial officers and the immediate family of judicial officers.

7 **SECTION 8. Effective date.**

8 (1) This act takes effect on the first day of the 13th month beginning after
9 publication.

10 (END)